

Serial No. 09/592,563  
Amdt. dated November 12, 2003  
Reply to Office Action of April 22, 2003

Docket No. KC-0040

### **REMARKS/ARGUMENTS**

Claims 1-27 and 29-46 are pending in this application. By this amendment, the drawings, abstract, and claims 1, 15, 16, 23, 29-32, 35, 36, 38, 39, 41 and 44 have been amended, and new claim 46 has been added. The drawings and abstract are amended for clarification purposes only, and contain no new matter. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

#### **I. REJECTION UNDER 35 U.S.C. §102(e)**

The Office Action rejects claims 1-4, 9, 11, 15, 17-19, and 22 under 35 U.S.C. §102(e) as being anticipated by Fraccaroli, U.S. Patent No. 6,549,768. The rejection is respectfully traversed.

Fraccaroli discloses as prior art a system for matching people with similar interests, such as a computer dating service. In this type of system, each customer first initiates contact with a database to create an individual profile containing personal information. This profile is in some manner linked to that individual, either through a unique user ID or other similar means, stored in the database, and later used to match one customer with another customer based on their individual profiles, as well other preferences. The requesting customer is then provided, either in printed form or via email, profiles and contact information for other customers who

may prove to be suitable companions based on their individual profiles. In this type of system, after an individual profile has been generated, the customer submits a match request which contains preferences, such as sex, age, physical appearance, etc., for a match, and leaves it to the database to select appropriate matches. The requesting customer does not select these matches on his own, nor does submitting a request for a match constitute a message to be sent to an intended recipient as there is no intended recipient in this instance. Clearly, the prior art of Fraccaroli cannot have an intended recipient, as recited in independent claim 1, as recipients are selected by the database, and the customer merely registers personal information on the database.

In contrast, claim 1 is directed to a message pushing system which sends messages to individual potential intended recipients. Claim 1 recites that the message pushing system includes a database of details of individual potential recipients, and telecommunications links for communicating with message sending and message receiving devices. Claim 1 recites that the message pushing system is adapted to receive a message from a message sending device, wherein the message includes details about an intended recipient of the message. Claim 1 further recites that the message pushing system then compares the details of the intended recipient of the message with the database of potential recipient details to thereby establish one or more members who may be the intended recipient of the message. The message pushing system is

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then adapted to transmit the message to the message receiving means of the identified one or more members who may be the intended recipient.

Thus, in a system as recited in claim 1, a user will send a message which includes individual details regarding an intended recipient. The message pushing system uses these details to identify one or more members who may be the intended recipient of the message based on the details contained in the message. The message is then forwarded to any of the members within the database which potentially match the identifying details within the message.

As noted above, Fraccaroli fails to disclose or suggest any type of system as recited in claim 1. Specifically, Fraccaroli does not disclose any type of system which will identify potential intended recipients within a database based on individual identifying details in a received message. In addition, the Fraccaroli system will not forward a message to the identified members.

Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by the prior art of Fraccaroli, and thus the rejection of independent claim 1 under 35 U.S.C. §102(e) over the prior art admitted by Fraccaroli should be withdrawn. Dependent claims 3-4, 9, 11, 15, 17-19, and 22 are allowable at least for the reasons discussed above with respect to independent claim 1, from which they ultimately depend, as well as for their added features.

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**II. REJECTION UNDER 35 U.S.C. §103(a)**

The Office Action rejects claims 5-8, 10, 12-14, 16, 20-21, and 23-45 under 35 U.S.C. §103(a) over Fraccaroli. By this Amendment, claim 28 is cancelled. Thus, the rejection of this claim is moot. The rejection of the remaining claims is respectfully traversed.

**A. Claims 5-8, 10, 12-14, 16 and 20-21**

Dependent claims 5-8, 10, 12-14, 16, and 20-21 are allowable over Fraccaroli at least for the reasons discussed above with respect to independent claim 1, from which they ultimately depend, as well as for their added features.

**B. Claims 23-27 and 29-45**

Fraccaroli discloses a mobile communications matching system which enables users who have already entered their personal information and preferences into a database, such as that discussed above with respect to the prior art of Fraccaroli, to be matched with other users who may happen to be in the same geographic location at a particular time. In the Fraccaroli system, the user does not select an individual intended recipient on his own, nor does the user send a message to the system that includes details of the appearance and location of an intended recipient, as recited in claim 23.

Fraccaroli employs known cellular phone network technology to provide a means by which current location information can be included in match information. In this system, each service area 103 has its own visitor location record (VLR)-msc 104, each with one or more base station controllers (not shown) controlling the base stations of a number of adjacent cells 101. A mobile station 102 must register with the servicing base station each time it enters a new coverage area to allow incoming calls/pages to be routed to the mobile station 102. A home location register (HLR) 105 communicates with the respective VLR-msc 104 to receive current location data for a particular subscriber.

Each HLR 105 has a server 106 and matching engine 107. Each server 106 receives and stores matching profiles (generated by the user of the mobile station 102) for each active mobile station 102 in service area 103. Upon request, the matching engine 107 executes a matching algorithm by comparing the matching profiles for active mobile stations in service area 103, and provides matches to the requester. Fraccaroli further discloses a manner in which the matching system can be adapted to signal the requester that a known person of an identity specified by the requester has entered a particular location. However, in this instance, the requester must know in advance the specific identity of the intended recipient, either by USER ID, name, or other identifying parameter associated with the intended recipient/mobile station 102.

In contrast, the method recited in claim 23, the user can send a message to an intended recipient without providing a unique identifier for that intended recipient. As recited in claim

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23, the user would send a message that includes only details about the appearance and location of the intended recipient. The Fraccaroli system is incapable of operating in this manner.

Accordingly, it is respectfully submitted that claims 23-27 and 29-45 are also allowable over Fraccaroli, and the rejection of these claims should be withdrawn.

### III. NEW CLAIM 46

Claim 46 is added to the application. It is respectfully submitted that new claim 46 also defines over the asserted prior art reference and meets the requirements of 35 U.S.C. §112. The message pushing system recited in new claim 46 is configured to receive a message from a message sending device, the message comprising personal characteristics of an intended recipient of the message based on personal characteristics observed by a user of the message sending device. As discussed above, the system taught by Fraccaroli does not operate in this manner.

### IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



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Attachments:

Substitute Abstract  
Revised Figure 1  
Mark-up Figure 1

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